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TEXAS.

BY
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"Kemper County Vindicated," "The Bench and Bar of Mississippi."*

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Austin, Texas
'Tis not in mortals to command success, but
We'll do more, Sempronius, we'll deserve it.
—ADDISON'S CATO.

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CHARLES STEWART.

Charles Stewart is a native of the State of Tennessee, and was born in the city of Memphis, on the 30th of May, 1836. His father, who was of Scotch origin, was a native of Culpeper County, Virginia, and was by trade a house carpenter; but he was a man of great intelligence, remarkable especially for his knowledge of political history, and being a forcible and fluent speaker, was often engaged in discussing the political questions of his day, especially in advocacy of the doctrines of the Whig party, of which he was an ardent supporter.

Charles Stewart came to Texas with his father, who settled in Galveston in 1845. His educational opportunities were only such as were afforded by a private school in the country; but he was early inspired with a desire and determination to promote his condition in life, and having inherited in a marked degree the natural gifts of his father in fluency of oratory and fondness of discussion, he directed his aspirations towards the former.

In 1852 he began the study of law in the office of James W. Henderson, and completed his preparation for the bar under the supervision of Messrs. Ballinger & Jones, of Galveston. In 1854, when not yet eighteen years of age, he was licensed by the Supreme Court and began the practice of his profession at Marlin, where he soon attained a high stand at the bar, and such a degree of popular esteem and confidence, that, in 1856, he was elected district attorney of the Thirteenth Judicial District, and was re-elected in 1858, as a just recognition of his efficiency.

While devoting all his energies to the duties of his profession and official station, Mr. Stewart was a staunch advocate of Southern views in regard to the questions which

agitated the public mind at that period, and was a member of the convention of 1861, in which he voted for the ordinance that withdrew Texas from the Federal Union, and sealed the rectitude of his intentions and conscientious views by a prompt personal acceptance of the gage of battle. He served faithfully during the war, first in the Tenth Regiment of Texas infantry, and afterwards in Baylor's Regiment of cavalry, and at its close as promptly accepted the inevitable attributes of the issue, and without remorse resumed the duties of his profession.

In 1866 he removed to Houston, where he has since resided, and of which he was, in 1874, elected city attorney. He was chosen to represent that district in the State Senate in the Sixteenth and Seventeenth Legislatures, and distinguished himself by his strenuous and able efforts in the interest of free public education. In 1882 he was elected to the Forty-eighth Congress, and was re-elected to the Forty-ninth Congress in 1884, of which he is now a brilliant and rising member. His report from the Committee on Foreign Affairs, in the House of Representatives of the Forty-eighth Congress, in regard to commercial relations with South and Central America is an able document, and in the light of subsequent and present events highly important and interesting. Having submitted a substitute bill embodying the views of his committee as to the most practical method of promoting their relations, Mr. Stewart presented in his report an exhaustive statistical exhibit of the value of the commerce of these countries, and its unequal distribution between the United States and other countries, and having referred to the statements of intelligent travelers that, "from the little pin with which the lady fastens her ribbons to the grand piano with which she enlivens and enchants the hearts of her household; from the tiniest thread and tack, and tools needed in the mechanical arts, to the largest plows and harrows, and other agricultural implements and machines required on the farm; the wares and fabrics, light groceries and delicacies in common demand; the drugs and medicines in the shops of the apothecaries; the liquors and wines of the saloons; the stationery and

fancy goods of the book stores ; the furniture in the parlors and the utensils used in the kitchens, are in these countries, with rare exceptions, of English, German, Spanish, or Italian manufacture, and yet inferior to the corresponding articles of American make." His report proceeds: —

" This condition of things ought to be changed at the earliest possible moment ; and there should be no balance of trade against us in our commerce with these countries, and in order to effect such a change in our commercial relations with Central and South America, the committee earnestly recommends the adoption of the substitute herewith reported, believing that it will serve to initiate such policies as will be of great advantage, not only to the people of this country, but to the inhabitants of Central and South America.

" Our commercial relations with Mexico are satisfactory. From the tabular statement herein given it appears that the foreign commerce of Mexico, both exports and imports, amounted in the aggregate during the past year to the sum of \$58,125,000, and that nearly one-half of this commerce was done with the United States. It also appears that for the year ending June 30, 1883, that with Mexico there was a balance of trade in our favor amounting \$7,021,000. Our proximity to Mexico has had much to do with building up our commerce with that country ; but much more is due to the liberal and progressive spirit with which the Mexican government has been actuated in encouraging and protecting the investments of American capital.

" Already American enterprise is actually engaged in constructing railways in Mexico, and to-day one may go from New York, all the way by rail, to the city of the Montezumas. The construction of these roads has infused new life and energy into Mexico, and her rapid increase in wealth and material prosperity is assured. But Mexico reaps not all the benefits resulting from these investments of American capital, for our commerce with that country has greatly increased and is continually enlarging.

" Why may not like results be obtained in the States of Central and South America by the investment of American

capital and the application of American energy? The idea of building a railway from the United States to the Argentine Republic is somewhat startling to those who have never given the subject a thought, but a little reflection will convince any one that no insuperable obstacle is in the way of such an enterprise. A railroad from some point in Texas, or elsewhere in this country where a connection is formed with the railroad system of the United States to the City of Mexico, and thence through the Republic of Mexico and Central America, and along the Isthmus of Darien, passing east of the Andes through South America to the Argentine Republic, would meet with but few natural obstacles in the way of its construction, and the distance will not exceed six thousand eight hundred miles, and may be shortened to six thousand miles by commencing its construction at the City of Mexico, where it will connect with roads already built or in process of construction. Distance and natural obstacles have never thwarted American enterprise in the construction of railways. * * * From Gautemala and Honduras to Chili and the Argentine Republic, embracing the several independent and progressive commonwealths of Salvador, Nicaragua, Costa Rica, Colombia, Venezuela, Equador, Peru, Bolivia, Brazil, Paraguay, and Uruguay, the conditions of topography, soil, climate, population, productions, and all other circumstances, actual and prospective, are believed to be such as to invite and fully justify the construction of the great line of railway suggested by this bill, and when it is constructed our commerce will be enlarged to such an extent as at this time to defy anything like a correct estimate of its value; and then we will be in a position to say to European governments, in the memorable words of President Monroe: 'That we should consider an attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.' "

It is a pity that our legislation, both State and Federal, has not been shaped more by the dictates of enterprise and the views of genius; but the spirit of progress is abroad in the land, and the development of our national resources and advantages championed by such men as Mr. Stewart in

Congress, and promoted by the able statesmen who now guide the helm of government, will assume a shape and pace commensurate with the destinies of our country, and it is doubtless but a question of time when a railway will connect New York and Chicago with Rio de Janeiro and Buenos Ayres.

As a lawyer, Mr. Stewart has been eminently successful in both branches of the profession, and has been engaged in many important cases, both civil and criminal, before the Texas courts. Among the most noted, perhaps, are *The State v. Walker and Black*, which has been several times before the Supreme Court as well as before the Court of Appeals, and the case of *The State v. Grissom*, which has been before the Court of Appeals twice. He was appointed by the court to defend a negro woman, then a slave, charged with murder, which he zealously undertook, though there was great prejudice against her. She was convicted and sentenced to be hanged, but in the midst of severe criticism he appealed her case, and she was finally acquitted. It was the case of *Elizabeth v. The State*, 27 Texas, 329. His briefs were argued by Judge Hancock, who attended to the case for him before the Supreme Court, and hence Mr. Stewart's name does not appear in the report of the appeal. The most interesting case, perhaps, in which he has been engaged was that of *The State v. O'Brien*, tried before the Criminal District Court of Harris County in 1876. The defendant had found his wife, a beautiful woman, in a house of ill-fame, and upon her refusing to leave the place, he deliberately shot her to death. The defense was emotional insanity, and the defendant was acquitted.

He is thoroughly familiar with the Texas land system and the laws of corporations, and has been engaged in many important suits against railroads, as well as in land litigation. He has been associated in practice with several gentlemen of ability. His first copartnership was with Thomas P. Aycock, at Martin, in 1857, which continued until his removal to Houston in 1866, where he became associated with D. U. Barziza, and practiced with him until

1874, when the connection was dissolved by mutual consent, and Mr. Stewart formed a partnership with J. B. Likens, which continued until the death of the latter in 1878. He then received G. H. Breaker into a firm with him, which continues to exist.

Mr. Stewart was married at Marlin in 1860 to Miss Rachel Barry, and, like most men who have achieved eminence and success, he is greatly indebted to the encouragement of the amiable and accomplished lady who early shared his fortunes and shaped his aspirations. In 1883 he was made Grand Master of Masons in Texas, and is devoted to the interests of the fraternity. In social life he is generous, open and kind, ready and prompt to render any assistance in his power to whomsoever may deserve or need it, and few men are held in higher esteem by the community in which they live.